

SUMMARY OF CLAIMS

Claims 1-5, 7-9, 13, 14 and 58 are rejected. Claims 6, 10-12, 15-57, and 59-61 are cancelled. Claims 1 and 58 are amended. Claims 1-5, 7-9, 13, 14 and 58 are pending.

REMARKS

I. Oath/Declaration

A Supplemental Declaration in compliance with 35 CFR 1.67 (a) was filed on January 20, 2009 for inventor Keith Steward to correct the deficiency of the previously submitted declaration.

II. Priority

The first paragraph of the specification is amended to include reference to prior Provisional Application No. 60/353,176, filed on February 4, 2002.

The present application unintentionally failed to properly claim priority to provisional 60/353,176 by including a reference to the provisional application in the first sentence(s) of the specification as required by 37 CFR 1.78 (a). The applicants hereby submit an amendment to the specification to correct the claim for priority. The applicants further submit that the amendment contains no new matter and that a petition to correct an unintentionally delayed priority is not required since the instant application incorporates by reference in its entirety the international application PCT/US03/03006 filed February 3, 2003 which itself claims priority to the above-referenced provisional application and was co-pending at the time of filing.

Support for the pending claims is found in the provisional application as detailed in Applicants' response filed on 5/19/2008 to the Office Action mailed on 11/19/2007.

III. Claim Rejections

A. Claim Rejections under 35 U.S.C. §101

Claims 1-5, 7-9, 13, 14, and 58 are rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. More specifically, it is alleged that the instant claims do not produce a tangible final result. Applicants respectfully traverse the rejection.

The rejection is now moot as Applicants amended claims 1 and 58 to recite a final step of displaying a drug discovery target to a user, thereby providing a useful, tangible and concrete final result. No new matter is introduced as support for the claim amendments can be found in the specification as filed. More specifically, at least paragraphs [0124]-[0131] disclose ways in which the results are displayed to the user including ranked profiles, diagrams, and process annotations. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 1-5, 7, 8, 13, 14, and 57 under 35 U.S.C. 101.

B. Claim Rejections under 35 U.S.C. §102

Claims 1-5, 7, 8, 13, 14, and 57 are rejected under 35 U.S.C. 102(a) as being anticipated by Qu et al. Applicants respectfully traverse the rejection.

Qu et al. have a publication date of March 2002. The present application now properly claims priority to the prior filed provisional application 60/353,176 filed February 4, 2002. Further, claims 1-5, 7, 8, 13, 14, and 57 are supported by application 60/353,176 as detailed on pages 13 and 14 of Applicants' response filed on 5/19/2008 to the Office Action mailed on 11/19/2007. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-5, 7, 8, 13, 14, and 57 under 35 U.S.C. 102(a).

C. Double Patenting

Claims 1-5, 7-9, 13, 14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of co-pending Application No. 10/502,420. Applicants are invited to submit a Terminal Disclaimer to overcome the rejection. As this is a provisional rejection, Applicants will address the rejection upon indication of allowable subject matter by Examiner.

Application No.: 10/770,864
Reply to Office Action dated September 18, 2008
Response filed February, 27 2009

CONCLUSION

Applicants submit that this paper fully addresses the Office Action mailed September 18, 2008. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned agent or attorney Paul Borchardt (Reg. No. 53,999) at (650) 565-3895.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit account No. 23-2415 (Attorney Docket No.: 27763-705.501) for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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